

JOHN MUIR NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT ACT

JUNE 18, 2004.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 3706]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3706) to adjust the boundary of the John Muir National Historic Site, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 3706 is to adjust the boundary of the John Muir National Historic Site, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

On August 31, 1964, the John Muir National Historic Site (JMNHS), located in Martinez, California, became a unit of the National Park System. The Site preserves the 14 room mansion where naturalist John Muir lived from 1890 to his death in 1914. The JMNHS is 344 acres and had 28,206 visitors in 2001.

In 1988, Congress authorized an expansion of the JMNHS, which included a 3.3-acre parcel of land owned by the City of Martinez, California. The area was donated by the City to the National Park Service for inclusion in the NHS. In 1991, the General Management Plan for the JMNHS proposed that the acquired land be developed as a 32-car/2-bus visitor parking area and a site of the new National Park Service maintenance facility. In 1994, a boundary survey was conducted where it was discovered that the donated parcel did not include all of the land between the street and a rail-

road line, where the parking lot was proposed. A small triangle of land (approximately 0.2 acres/9500 square feet) was found not to be part of the parcel donated by the City of Martinez. Further investigation by the National Park Service found that no one was listed with the county tax assessor parcel number, and thus no taxes had been collected or paid on the 0.2 acres since the 1960s.

Without issuance of clear title for 0.2 acre parcel, development cannot precede on the parking lot expansion and maintenance facility. H.R. 3706 would simply allow for the acquisition of the 0.2 acre parcel of land so that the parking facility may be built.

COMMITTEE ACTION

H.R. 3706 was introduced on January 20, 2004, by Congressman George Miller (D-CA). The bill was referred to the Committee on Resources and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands. On May 5, 2004, the Full Resources Committee met to consider the bill. The Subcommittee on National Parks, Recreation and Public Lands was discharged from further consideration of H.R. 3706 by unanimous consent. No amendments were offered and H.R. 3706 was then ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Com-

mittee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 13, 2004.

Hon. RICHARD W. POMBO,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3706, the John Muir National Historic Site Boundary Adjustment Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis (for federal costs), Marjorie Miller (for the state and local impact), and Selena Caldera (for the private-sector impact).

Sincerely,

ELIZABETH M. ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 3706—John Muir National Historic Site Boundary Adjustment Act

H.R. 3706 would adjust the boundary of the John Muir National Historic Site and authorize the National Park Service (NPS) to acquire the added 0.2-acre parcel of land by purchase, donation, or exchange. Based on information provided by the NPS, we expect the agency to condemn the small tract to establish its current ownership, which is unknown. Depending on the outcome of the condemnation proceeding, CBO expects that the NPS would: (1) annex the property without further cost to the government (if no owner is located), (2) accept donation of the tract (if the owner is another government agency), or (3) purchase the property (if a private owner is located). In any event, CBO estimates that the cost of acquiring the property would be less than \$50,000, assuming the availability of appropriated funds. Enacting H.R. 3706 would not affect revenues or direct spending.

CBO generally has found that when legislation is expected to result in condemnation of property, it contains a mandate, as defined in the Unfunded Mandates Reform Act (UMRA). However, because in this case the NPS cannot identify the current owner of the parcel, CBO cannot determine whether this mandate would fall on a government, on the private sector, or on both. In any event, based on information provided by the NPS, CBO estimates that the value of the property is less than \$50,000, and so the cost would be well below the thresholds established in UMRA. (The thresholds in 2004 are \$60 million and \$120 million per year, respectively, for inter-governmental and private-sector mandates, adjusted annually for inflation.)

The CBO staff contacts for this estimate are Deborah Reis (for federal costs), Marjorie Miller (for the state and local impact), and Selena Caldera (for the private-sector impact). The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

